
CERP Guidance Memorandum

South Florida Water Management District – Jacksonville District, U.S. Army Corps Of Engineers

CGM NUMBER-REVISION: 034.00

EFFECTIVE DATE: 12/18/2003

CATEGORY: General

SUBJECT: Florida Sunshine Law Requirements

DESCRIPTION:

This memorandum provides guidance to both Jacksonville District, U.S. Army Corps of Engineers (USACE) and South Florida Water Management District (SFWMD) staffs for conducting CERP Team meetings as further described herein to avoid any inconsistency with the Florida Sunshine Law (Section 286.011, Florida Statutes). This memorandum supersedes any other guidance inconsistent herewith.

The Florida Sunshine law provides, in part:

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

This law governs meetings and activities of public bodies that make and recommend decisions, but is not intended to govern staff activities. Since CERP Teams perform a staff function, rather than making or recommending decisions, CERP Teams do not function as Sunshine committees.

GUIDANCE:

This guidance incorporates the terms and provisions of CGM 011.02, Federal Advisory Committee Act Requirements for CERP Teams. A CERP Team, as defined therein that complies with the requirements of CGM 011.02 is also in compliance with this guidance.

This document provides working level guidance to assist Project Delivery Teams in the implementation of the Comprehensive Everglades Restoration Plan (CERP) program executed between the South Florida Water Management District and the U.S. Army Corps of Engineers. The guidance does not constitute policy for either agency nor does it create authority beyond that granted to any agency member carrying out their duties. Guidance reflecting agency policy on subjects listed in the guidance memoranda section of the programmatic regulations for CERP will be issued when the final programmatic regulations are adopted, using the process stated in the regulations.

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Special attention should be given to avoid verbal or written statements that may imply that a CERP team has authority to make or recommend decisions or rank options. As stated in CGM 011.02, the CERP Team may perform typical staff functions such as fact finding consultations and evaluating options and listing their potential positive, neutral and negative impacts; however, decisions regarding the disposition and application of output from a CERP Team may only be made by the individual project managers for the District and Corps through their chains of command.

Activities that utilize weighting can only be conducted if those activities do not eliminate opportunities for alternative choices or rank options. The project manager may solicit input from a CERP team regarding criteria and weights and provide criteria and weights to the CERP Team. If weighting is used, all information utilized in the weighting process, including the criteria, the source of the criteria and the justification for the weights used by the CERP Team shall be fully documented when the results of the activities are reported.

APPLICATION:

Effective immediately, this guidance applies to all CERP Team meetings operating under CERP. Further questions concerning Sunshine issues should be directed to the South Florida Water Management District, Office of Counsel.

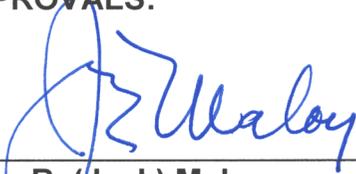
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APPROVALS:



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South Florida Water Management District

DATE: 12/18/03



Dennis R. Duke
CERP Program Manager,
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DATE: 12/18/03

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